

City of Annapolis
Alcoholic Beverage Control Board
September 1, 2010

The Regular Meeting of the Alcoholic Beverage Control Board of the City of Annapolis was held on September 1, 2010 in the City Council Chamber. Vice Chair Leonard Berman called the meeting to order at 3:04 p.m.

Present: Vice Chair Leonard Berman, Members Elizabeth Finkle, Lawrence Harris, Jr., Whitney Chellis

Staff: City Attorney Karen Hardwick

Member Finkle moved to approve the Journal of Proceedings of August 4, 2010. Seconded. CARRIED on voice vote.

PUBLIC HEARING

• MATSU JAPANESE RESTAURANT – MATSU & SUSHI

Application for a transfer of a Class B-2, Restaurant, beer and light wine, only with meals, six a.m. to twelve midnight, seven days a week (special Sunday License) by Brian Konik, Da Xiang Zhang and Xiu Ping Jiang k/a Matsus, Inc. (formerly Cha Ya Annapolis, LLC) t/a MATSU JAPANESE RESTAURANT–MATSU & SUSHI, 509 South Cherry Grove Avenue, Annapolis, Maryland 21401.

Shannon T. Waldron, attorney for the applicants, Hyatt & Weber, P.A., 200 Westgate Circle, #500, Annapolis, Maryland 21401 gave a brief presentation and entered the following into the record:

- Exhibit # 1: Affidavit of Sign Posting
- Exhibit # 2: Pictures of the Public Hearing Sign posted
- Exhibit # 3: Affidavit of Bulk Transfer and Satisfaction of Financial Obligations
- Exhibit # 4: Matsu Japanese Restaurant Menu
- Exhibit # 5: Signed Petition Supporting Service of Alcoholic Beverages
- Exhibit # 6: Matsu Dine In/Take Out Menu
- Exhibit # 7: Curriculum Vitae for Mr. Tullier
- Exhibit # 8: Public Need Analysis and Report

Applicants, Brian Konik, Da Xiang Zhang, Xiu Ping Jiang were present and answered questions addressed by the Board.

Present and testified on behalf of the application:

Shepard Tullier, AICP, Land Use Consultant, LandVisions, Inc., 1982 Moreland Parkway, Suite 201, Annapolis, Maryland 21401

No one from the general public spoke in favor or in opposition to the application.

Member Harris moved to approve the application for a Class B-2, Restaurant, beer and light wine, only with meals, six a.m. to twelve midnight, seven days a week (special Sunday License) by Brian Konik, Da Xiang Zhang and Xiu Ping Jiang k/a Matsus, Inc. (formerly Cha Ya Annapolis, LLC) t/a MATSU JAPANESE RESTAURANT–MATSU & SUSHI, 509 South Cherry Grove Avenue, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

Vice Chair Berman declared the public hearing closed.

SHOW CAUSE HEARING

- **HARD BEAN COFFEE BOOKSELLERS**

Failure to Respond to Board Request for Information

Licensees, Rockford E. Toews, Gary L. Amoth and Dena S. Amoth were present and answered questions addressed by the Board.

Robin Bailey, 46 Ridge Road, Greenbelt, Maryland 20770 and Catherine Purple Cherry, AIA, LEED, AP of Purple Cherry Architects, One Melvin Avenue, Annapolis, Maryland 21401 were also present and answered questions addressed by the Board.

Staff representatives from DNEP/Inspections & Permits; Chris Hall, Maria Broadbent, Clint Pratt, Steve Andrews, and from Planning and Zoning, Jacquelyn Rouse were present and gave testimony.

The Vice Chair entered the following into the record:

Exhibit # 1: Letter from Chris Hall (DNEP) to Hard Bean, Re: Physical Changes

Exhibit # 2: Notice of Violation from Maria Broadbent (DNEP) to Hard Bean Re: Wastewater Discharge Permit

Exhibit # 3: Letter from Clint Pratt (DNEP) to Hard Bean, Re: Electrical Violations

Exhibit # 4: E-mail Correspondence from Jacquelyn Rouse (P&Z) to Catherine Purple Cherry (Licensees Architect) Re: Special Exception Issues

Present and testified on behalf of the applicants:

Harvey Blonder, HB Properties Management Company, 2824 Solomon's Island Road, landlord for 36 Market Space.

No action was taken. The Board will take the matter under advisement with from the Office of Law.

Vice Chair Berman declared the SHOW CAUSE hearing closed.

Without objection the Order of the Agenda was changed.

BUSINESS AND MISCELLANEOUS

- **RESTAURANT SERRANO**

Follow-up regarding Revised Floor Plan, Outstanding DNEP Issues and Amusement Permits

Licensees, Alberto Serrano and Gonzalo Fernandez were present and answered questions addressed by the Board.

Walter Vasquez and Zoila A. Romero, managers for Restaurant Serrano were also present and answered questions addressed by the Board.

Staff representatives from DNEP/Inspections & Permits, Chris Hall and Maria Broadbent were present and gave testimony.

No action taken.

The Order of the Agenda was resumed.

- **STANTON COMMUNITY CENTER – Raven's Roost # 35**

Request for Special Class C, One Day Liquor License with Consumption of Alcohol Beverages on City Property.

Applicant, Thomas Phelps, 7 Gilmore Street, Annapolis, Maryland presented the request and answered questions addressed by the Board.

Member Finkle moved to approve the application for a Special Class C, One Day Liquor License for Beer, Wine and Liquor to Raven's Roost # 35 at the STANTON COMMUNITY CENTER from 12:00 noon to 8:00 p.m. on October 3, 2010. Seconded. CARRIED on voice vote.

- **CHARLES STREET BLOCK PARTY – September 12, 2010**

Request for Special Class C, One Day Liquor License with Consumption of Alcoholic Beverages on City Property.

Applicant, Robert Mendez, 118 Charles Street, Annapolis, Maryland 21401 presented the request and answered questions addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Member Harris moved to approve the application of a Special Class C, One Day Liquor License for Beer, Wine and Liquor to Charles Street Residents for a Block Party between Duke of Gloucester and Cathedral Streets from 2:00 p.m. to 8:00 p.m. on September 12, 2010. Seconded. CARRIED on Voice Vote.

- **COMMUNITY FOUNDATION OF ANNE ARUNDEL COUNTY – October 1, 2010**

Request for Special Class C, One Day Liquor License at Park Place - Open Space Area

Applicants, Veronica Tovey, 32 Wilelinor Drive, Edgewater, Maryland 21037 and Judy Buddersick, 211 Severn Avenue, Annapolis, Maryland 21403 presented the request and answered questions addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Member Finkle moved to approve the application of a Special Class C, One Day Liquor License for *Beer Only* to COMMUNITY FOUNDATION OF ANNE ARUNDEL COUNTY from 6:00 p.m. to 10:00 p.m. on October 1, 2010. Seconded. CARRIED on voice vote.

- **ANNAPOLIS MARRIOTT WATERFRONT HOTEL – 2010 Boat Show**

Request for Extension of Licensed Premises with Storage & Dispensing Beer Truck on Premises

Food and Beverage Director, Michael Schwartz and General Manager, Jay Jones for Pussers Caribbean Grill presented the request and answered questions addressed by the Board.

Member Finkle moved to approve the request for an extension of licensed premises during the 2010 Boat Show to ANNAPOLIS MARRIOTT WATERFRONT HOTEL from October 7 to October 17, 2010; in addition, to include as requested, a location within Yacht Basin property leased to United States Yacht Shows, Inc for Power Boat Show only from October 14 to October 17, 2010. Seconded. CARRIED on voice vote.

- **FLEET RESERVE CLUB OF ANNAPOLIS – 2010 Boat Show**

Request for Extension of Licensed Premises, Open to the Public with Storage Truck on Premises

Counsel for the Fleet Reserve Club, Owen Curley and General Manager, Brian Porter presented the request and answered questions addressed by the Board.

Member Finkle moved to approve the request for an extension of licensed premises during the 2010 Boat Show to FLEET RESERVE CLUB OF ANNAPOLIS from October 7 to October 17, 2010. Seconded. CARRIED on voice vote.

- **EASTPORT YACHT CLUB – 4th Annual Boat Show Bash**

Request Club Event Open to the General Public during the Annual Boat Show Bash

General Manager, Willian Kocan presented the request and answered questions addressed by the Board.

Member Harris moved to approve the request of EASTPORT YACT CLUB to be Open to the General Public during a special event from 5:00 p.m. to 11:00 p.m. on October 9, 2010. Seconded. CARRIED on voice vote.

- **ANNAPOLIS MARITIME MUSEUM – 6th Annual Boatyard Bash**

Request Special Class C, One Day Liquor License, including Live Music

Executive Director, Jeff Holland presented the request and answered questions addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Member Finkle moved to approve the application of a Special Class C, One Day Liquor License for Beer, Wine and Liquor to ANNAPOLIS MARITIME MUSEUM from 4:00 p.m. to 9:00 p.m. on September 25, 2010. Seconded. CARRIED on voice vote.

- **THE WHISKEY – Special Event, October 23, 2010**

Request for Extension of Licensed Premises, including Live Music

Licensee, Michael Hearne presented the request and answered questions addressed by the Board.

Member Finkle moved to approve the request for an extension of licensed premises during a special event with live music to THE WHISKEY from 3:00 p.m. to 10:00 p.m. on October 23, 2010. Seconded. CARRIED on voice vote.

- **STAN & JOE’S** – Special Event, September 19, 2010

Request Extension of Licensed Premises, including Live Music

Licensee, Stan Fletcher presented the request and answered questions addressed by the Board.

Matthew Ludy, 3238 Cannoncade Court, Chesapeake Beach, Maryland 20732 was also present and answered questions addressed by the Board.

Member Finkle moved to approve the request for an extension of licensed premises with live music to STAN & JOE’S from 2:00 p.m. to 7:00 p.m. on September 19, 2010. Seconded. CARRIED on voice vote.

- **FEDERAL HOUSE, MCGARVEY, MARIA, MIDDLETON** – October 3, 2010

Request for Extension of Licensed Premises with Consumption of Alcoholic Beverages on City Property, including Live Music during a Special Fall Festival Event

Licensee, Michael Alwan and General Manager, Misty Waters presented the request and answered questions addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Member Finkle moved to approve the request for an extension of licensed premises with consumption of alcoholic beverages on City Property, including live music during 1st Annual Fall Festival to FEDERAL HOUSE, MCGARVEY, MARIA’S RESTAURANT and MIDDLETON’S from 11:00 a.m. to 6:00 p.m. on October 3, 2010. Seconded. CARRIED on voice vote.

- **EASTPORT DEMOCRATIC CLUB** – Crab Feast, October 2, 2010

Request for Extension of Licensed Premises, Club Open to the General Public with Dispensing Beer Truck on Premises

Applicant, Dan Spadone, 1891 Lindamoor, Annapolis, Maryland 21401 presented the request and answered questions addressed by the Board.

Member Harris moved to approve the request of EASTPORT DEMOCRATIC CLUB for extension of licensed premises, Open to the General Public with Beer Dispensing Truck on premises during a special event from 2:00 p.m. to 6:00 p.m. on October 2, 2010. Seconded. CARRIED on voice vote.

The Board recessed 6:00 p.m. for a five minute break and reconvened at 6:05 p.m.

- **ABCB MEETING DATE & TIME**

Discussion regarding Changes to Date & Time of Future Meetings

Following a discussion, Member Finkle moved to accept moving the date and time of future ABCB meetings to the 1st Wednesday of the Month at 7:00 p.m. as first preference and 2nd Wednesday of the Month at 7:00 p.m. as second preference. Seconded. CARRIED on voice vote.

- **ELECTION OF OFFICERS**

Member Harris nominated Leonard Berman as Chair of the Alcoholic Beverage Control Board. Seconded. CARRIED on voice vote.

Member Berman nominated Lawrence Harris, Jr. as Vice Chair of the Alcoholic Beverage Control Board. Seconded. CARRIED on voice vote.

- **ORDINANCE 0-27-10 and RESOLUTION R-25-10**

Concerning 0-27-10, Tavern Wine Tasting on Premises and R-25-10, Amending Fee Schedule for Class D Liquor License

Member Finkle moved to accept O-27-10. Seconded. CARRIED on voice vote.

Member Chellis moved to accept R-25-10. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting adjourned at 6:30 p.m.

Theresa Bucalo
Deputy City Clerk